

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Rejection of Claims 1-3, 7, 9, 11, 15, 16, 18, 19, and 21 Under 35 USC §103(a) in view of U.S. Patent Nos. 4,990,896 (Gray) and 5,844,808 (Konsmo)

This rejection is again respectfully traversed on the grounds that the Konsmo patent, like the Gray patent does not disclose or suggest an indicator light monitor that monitors the color, brightness, and/or flashing and illumination patterns of indicator lights, as presently claimed. Instead, the monitor disclosed in the Gray patent merely monitors the on/off state of the indicator light, while the Konsmo patent is directed to sensors hardwired to vending machines rather than to an indicator light monitor.

In the reply to arguments section of the Official Action, the Examiner indicates that the continued rejection is on the basis that “monitoring the on/off state of an indicator light is equivalent to monitoring the brightness, flashing or illumination pattern of the indicator light.” Although brightness monitoring is generally understood by those skilled in the art to involve monitoring differences in non-zero light levels, rather than whether the light is on or off, the Examiner has taken the position that because the “brightness” of a light is zero when the light is off, brightness monitoring is no different than on/off monitoring. Similarly, the Examiner has interpreted on/off monitoring as being the same as monitoring of flashing or illumination patterns, even though those skilled in the art would ordinarily think of flashing or illumination pattern monitoring as involving the detection of the frequency or sequence of repeated on/off transitions.

In response, while the Applicant still disagrees with the Examiner’s interpretations of the original claim language, **the claims have nevertheless been amended to more positively preclude interpretation of the claim language as corresponding to Gray’s simple on/off detection.** In particular, claim 1 has been limited to detection of color, rather than detection of

color, flashing, and/or brightness. Color detection is clearly not the same as, or obvious in view of, on/off detection. The use of indicator light color detection enables a far greater variety of machine functions to be detected, as opposed to the single function detectable by on/off monitoring. In the prior art, detection of multiple functions has required the type of hardwiring disclosed in the Konsmo patent.

It is noted that U.S. Patent No. 4,774,494 (Extance) was applied in the first Official Action against claims 8 and 20, which originally recited color monitoring and which were cancelled when the recitation of color monitoring was added to claim 1. It is respectfully submitted that the Extance patent is no more applicable to amended claim 1 than it was to original claims 8 and 20 since the Extance patent does not disclose any sort of color detection, but rather merely discloses a colored position encoder. The Extance patent has nothing to do with monitoring parameters of machine indicator lights, or with the systems of Gray and Konsmo, and therefore should not be prospectively applied against amended claim 1, even though the scope of amended claim 1 is similar to the scope of original claims 8 and 20.

In addition to limiting claim 1 to color detection, claim 27 has been added to specify flashing or output level detection, and further to specify that flashing detection involves counting of flashes or integration of light intensity while the “output level” detection is “other than just on/off detection.” Support for this amendment is found, for example, in lines 5-8 (“output level”) and line 21-25 (“count or integration”) on page 11 of the original specification. Again, this feature results in a more versatile detector than is suggested by Gray. While Konsmo might suggest multiple functions, it does so by requiring hardwiring of the device being monitored, which is precisely the problem that the present invention intends to solve. Konsmo does not consider monitoring indicator lights, and therefore could not have suggested modification of Gray’s indicator light monitoring to include color detection, as recited in claim 1, or flashing/level detection as is not even more positively claimed.

2. Rejection of Claims 4-6 and 17 Under 35 USC §103(a) in view of U.S. Patent Nos. 4,990,896 (Gray), 5,844,808 (Konsmo), and 6,631,247 (Motoyama)

This rejection is respectfully traversed on the grounds that the Motoyama patent, like the Gray and Konsmo patents, does not disclose or suggest an indicator light monitor that monitors the color, output level, and/or flashing patterns of indicator lights, as presently claimed. Instead, the Motoyama patent discloses sending of status messages between machines using e-mail, which is clearly not suggestive of either color or flashing/brightness monitoring. As a result, it is respectfully submitted that the Gray, Konsmo, and Motoyama patents, whether considered individually or in any reasonable combination, could not have suggested the claimed invention to the ordinary artisan, and withdrawal of the rejection of claims 4-6 and 17 under 35 USC §103(a) is respectfully requested.

3. Rejection of Claims 22, 23, 26 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,654,673 (Ferguson) and 4,990,896 (Gray), and Rejection of Claim 24 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,654,673 (Ferguson), 4,990,896 (Gray), and 6,172,432 (Schnackenberg)

These rejections have been rendered moot by the incorporation, into claim 22, of the limitations of claim 25, indicated as allowable in item 6 on page 10 of the Official Action.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC



By: BENJAMIN E. URCIA
Registration No. 33,805

Date: September 8, 2005

Serial Number 10/751,420

BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, Virginia 22314

Telephone: (703) 683-0500

NWB.S:\Producer\Neu\Pending 1..PM\MOU 751420\w02.wpd